

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1020**

In the Matter of the Civil Commitment of: Guy Israel Greene.

**Filed December 29, 2025
Affirmed; motion denied
Bond, Judge**

Sherburne County District Court
File No. 71-P9-05-002825

Guy Greene, Moose Lake, Minnesota (self-represented appellant)

Keith Ellison, Attorney General, Lisa Jones, Assistant Attorney General, St. Paul, Minnesota; and

Dawn Nyhus, Sherburne County Attorney, Elk River, Minnesota (for respondent Sherburne County)

Considered and decided by Connolly, Presiding Judge; Larson, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

Appellant challenges the district court's denial of his motion under Minn. R. Civ. P. 60.02 for relief from his indeterminate civil commitment. We affirm.

FACTS

In December 2005, respondent Sherburne County (the county) filed a petition to civilly commit appellant Guy Israel Greene (f/k/a Ozahwaaskoo Giishig) as a sexually

dangerous person. The district court appointed an attorney to represent Greene, as required by what is now Minn. Stat. § 253D.20 (2024). During the commitment proceeding, Greene filed a pro se motion and supporting memorandum of law seeking to dismiss the county's petition for lack of jurisdiction. In his motion papers, Greene stated that he was "not seeking to waive his right to counsel or to dismiss his attorneys."

The district court held a trial on the petition in May 2006. Greene was represented by counsel throughout trial; at no time did he request to discharge his counsel, to represent himself, or to personally present evidence or cross-examine witnesses. In June 2006, the district court filed an order indeterminately civilly committing Greene to the Minnesota Sex Offender Program as a sexually dangerous person. Greene appealed the district court's civil-commitment order, and we affirmed. *See In re Civ. Commitment of Giishig*, No. A07-0616, 2007 WL 2601423 (Minn. App. Sept. 11, 2007), *rev. denied* (Minn. Nov. 13, 2007). Since then, Greene has pursued numerous unsuccessful challenges to his commitment, including prior motions for relief pursuant to Minn. R. Civ. P. 60.02.

In January 2025, Greene filed a motion to vacate his commitment order under Minn. R. Civ. P. 60.02(e). Greene's motion relied on *In Re Civ. Commitment of Benson*, 12 N.W.3d 711, 713 (Minn. 2024), which held that "[a] civilly committed person may waive the right to counsel granted in Minnesota Statutes section 253D.20 (2022), provided that the person is deemed competent to enter a knowing and intelligent waiver." Green argued that, under *Benson*, the appointment of counsel at his civil-commitment proceeding was structural error requiring "automatic reversal." Greene requested that the district court find that his commitment order was no longer equitable and that he be afforded a hearing to

waive counsel and proceed pro se. Later, Greene amended his motion to seek relief on similar grounds under Minn. R. Civ. P. 60.02(f).

In its response to Greene’s motion, the county cited *In re Civ. Commitment of Moen*, 837 N.W.2d 40 (Minn. App. 2013), *rev. denied* (Minn. Oct. 15, 2013). In subsequent filings, Greene argued that the county’s reliance on *Moen* was “inapposite,” and he moved to strike the county’s pleadings and for sanctions under Minn. R. Civ. P. 11 for the county’s purported “malicious” reliance on *Moen*.

In a May 2025 order, the district court denied both Greene’s rule 60.02 motion and his request for rule 11 sanctions. The district court determined that (1) Greene’s 60.02 motion was untimely;¹ (2) even if not untimely, Greene’s 60.02(e) motion failed on the merits because Greene never requested to waive his right to counsel during the civil-commitment proceedings, *Benson* was inapplicable, and there was no “structural error”; (3) Greene’s rule 60.02(f) motion was indistinguishable from his rule 60.02(e) motion; and (4) Greene’s request for rule 11 sanctions was baseless.

Greene appeals.

DECISION

I. The district court did not abuse its discretion in denying Green’s rule 60.02(e) motion.

Greene challenges the district court’s denial of his motion for relief pursuant to Minn. R. Civ. P. 60.02(e). Under this rule, a party may obtain relief from a judgment if

¹ On appeal, Greene argues that the district court erred in finding that his rule 60.02 motion was untimely. Because the district court decided Greene’s motion on its merits, and because we do the same, we need not address Greene’s timeliness argument.

the district court determines that “it is no longer equitable that the judgment should have prospective application.” Minn. R. Civ. P. 60.02(e). As relevant here, to be entitled to relief, the moving party must establish there have been “changes in the relevant decisional law.” *Moen*, 837 N.W.2d at 49 (quotation omitted); *see also City of Barnum v. Sabri*, 657 N.W.2d 201, 205 (Minn. App. 2003) (stating “[t]he burden of proof in a proceeding under rule 60.02 is on the party seeking relief”). We review the “denial of a rule 60.02 motion for an abuse of discretion.” *In re Civ. Commitment of Johnson*, 931 N.W.2d 649, 655 (Minn. App. 2019), *rev. denied* (Minn. Sept. 17, 2019). “A [district] court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *Riley v. State*, 792 N.W.2d 831, 833 (Minn. 2011).

Greene appears to advance two related arguments. First, Greene argues that *Benson* established a constitutional right to self-representation in his initial civil-commitment proceeding. Greene misapprehends the narrow holding in *Benson*. In *Benson*, the supreme court held that Minn. Stat. § 253D.20 allows a committed person to waive their statutory right to counsel during civil-commitment proceedings if the person is competent to do so. 12 N.W.3d at 720. The supreme court emphasized that “the right to waive counsel is neither absolute nor unfettered” but exercisable only by those who are “deemed competent to enter a knowing and intelligent waiver.” *Id.* The supreme court expressly declined to consider or decide whether Benson had a constitutional right to self-representation. *Id.* at 717. Thus, Greene’s argument that he has a constitutional right to self-representation under *Benson* fails.

Greene argues, second, that the district court committed structural error in denying his constitutional right to self-representation at his initial civil-commitment proceeding. “Structural error is a very limited class of error” that is made up of “defects in the constitution of the trial mechanism such that the entire course of the trial is affected.” *State v. Bey*, 975 N.W.2d 511, 520 (Minn. 2022) (quotation omitted). Structural error results in automatic reversal because “the effects of the error are simply too hard to measure, harm is irrelevant to the basis underlying the right, or the error always results in fundamental unfairness.” *Id.* (quotations omitted). One example of structural error is the denial of the constitutional right to self-representation. *Id.* at 520-21.

The district court ruled that, because Greene never “voiced a desire to waive his right to counsel, it was not ‘structural error’ that a hearing was not held to determine his competency to waive said right.” We discern no error in the district court’s determination. While *Benson* recognizes that a civilly-committed person may waive the statutory right to counsel, Greene never sought to waive his right to counsel, asked to represent himself in his initial civil-commitment proceeding, or moved for a hearing to address waiver-of-counsel issues. In fact, Greene affirmatively requested to keep his counsel, stating in a pro se memorandum that he was “not seeking to waive his right to counsel or to dismiss his attorneys.” Contrary to Greene’s position, *Benson* does not require the district court to schedule a hearing to address Greene’s statutory right to waive counsel in his civil-commitment proceeding when Greene never requested to waive counsel or represent himself. *See Benson*, 12 N.W.3d at 720. As such, *Benson* and the structural-error doctrine do not entitle Greene to relief. *In re Civ. Commitment of Urbanek*, __ N.W.3d ___, ___,

No. A25-0808, slip op. at 15-16 (Minn. App. Dec. 15, 2025) (holding that the district court did not abuse its discretion in denying relief under *Benson* in part because appellant did not ask to represent himself at the initial commitment hearing and because structural error does not apply to an “alleged denial of a right to self-representation in a commitment matter”).

II. The district court did not abuse its discretion in denying Greene’s rule 60.02(f) motion.

Greene argues that he is entitled to relief under rule 60.02(f). Under this rule, a district court may grant relief based on “[a]ny other reason justifying relief from the operation of the judgment.” Minn. R. Civ. P. 60.02(f). Rule 60.02(f) is a residual clause that is designed to afford relief “only under exceptional circumstances not addressed by clauses (a) through (e).” *Johnson*, 931 N.W.2d at 655 (quotation omitted). “Relief under [rule 60.02(f)] is appropriate when the equities weigh heavily in favor of the party seeking relief and relief is required to avoid an unconscionable result.” *Buck Blacktop, Inc. v. Gary Contracting & Trucking Co., LLC*, 929 N.W.2d 12, 20 (Minn. App. 2019) (quotation omitted).

The district court denied Greene’s rule 60.02(f) motion, determining that Greene’s claims under clause (f) were the same claims as the claims he brought under clause (e). We agree with the district court that Greene fails to demonstrate how his claim for relief under rule 60.02(f) differs from his claim under 60.02(e). Greene appears to argue that he faces “exceptional circumstance” because of the “massive curtailment of his right to liberty.” But when “relief could be granted under Minn. R. Civ. P. 60.02(e) if it is satisfied, clause (f) of Rule 60.02 does not apply.” *Sabri*, 657 N.W.2d at 207. Greene’s claim that

he was denied a constitutional right to self-representation, while ultimately unsuccessful, could be addressed under rule 60.02(e). The district court did not abuse its discretion by denying Greene's rule 60.02(f) motion.

III. The district court did not abuse its discretion in denying Greene's motion for rule 11 sanctions.

Greene contends that the district court abused its discretion in denying his request to impose sanctions under rule 11. Under Minn. R. Civ. P. 11.02(a)-(c), an attorney, by submitting a pleading to the district court, represents that the pleading "is not being presented for any improper purpose"; the claims "are warranted by existing law" or "a nonfrivolous argument" for a change in the law; and the factual contentions have, or will likely have, evidentiary support. A district court may sanction a party for violating rule 11.02. Minn. R. Civ. P. 11.03. This court will not reverse a district court's decision regarding rule 11 sanctions absent an abuse of discretion. *Gibson v. Coldwell Banker Burnet*, 659 N.W.2d 782, 787 (Minn. App. 2003).

Greene argues that the district court abused its discretion by "failing to deter opposing counsel from committing fraud on the court" after Greene filed an affidavit in support of a rule 11 motion for sanctions. The district court denied Greene's request for sanctions, finding that, while the *Moen* case did not directly apply, the county's pleading "properly raised that case" and it was not cited "for any improper purpose." We conclude that the district court acted well within its discretion in making this determination and in denying Greene's request for rule 11 sanctions.

IV. Greene’s remaining arguments are forfeited.

Greene argues that he was denied his due-process right to self-representation and that the commitment act is unconstitutionally punitive. “A reviewing court must generally consider only those issues that the record shows were presented [to] and considered by the trial court in deciding the matter before it.” *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (quotation omitted)); *see also State v. Roby*, 463 N.W.2d 506, 508 (Minn. 1990) (stating that an appellate court generally will not “decide issues which are not first addressed by the trial court and are raised for the first time on appeal even if the issues involve constitutional questions regarding criminal procedure” (quotation omitted)). Greene did not raise these arguments in the district court. We therefore conclude that Greene forfeited these arguments, and we decline to address them for the first time on appeal.

Affirmed; motion denied.²

² Green moved to strike a letter of supplemental authority filed by the county pursuant to Minn. R. Civ. App. P. 128.05. Because we do not rely on the supplemental authority cited in the county’s letter, we deny Greene’s motion to strike as moot. *See Drewitz v. Motorwerks, Inc.*, 728 N.W.2d 231, 233 n.2 (Minn. 2007) (denying motion to strike as moot because court did not rely on challenged material).